IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

CWP No.353 of 2000

Decided on : November 10, 2006

L.S. Thakur **…..Petitioner.**

VERSUS

Punjab National Bank and others **…..Respondents.**

Coram

The Hon'ble Mr. Justice Surjit Singh, Judge.

Whether approved for reporting?

For the Petitioner : Mr. Shrawan Dogra, Advocate.

For the Respondents : Mr. Ajay Kumar, Advocate.

Surjit Singh, Judge (Oral)

When the arguments were being heard, it was pointed out that in an earlier writ petition also a contention had been raised by the writ petitioner that the order of the Appellate Authority, dated 16.1.1998, ordering the compulsory retirement of the writ petitioner meant that he stood retired on the date of the passing of that order itself in the year 1998 and not from the date of the passing of the order of penalty, i.e. removal from service passed by the Disciplinary Authority in the year 1989.

2. A Division Bench of this Court, while disposing of that writ petition, made the following observation in the concluding para of the Order, Annexure P-3:

> "..... Even otherwise it is for the petitioner to vindicate such rights if any, initially before the Management and the same cannot be the subject matter of consideration in this writ petition."

Whether the reporters of the local papers may be allowed to see the Judgment?

3. It has been pointed out that after the decision of the earlier writ petition, vide order Annexure P-3, in which the aforesaid observation had been made, the writ petitioner tried his luck in the Hon'ble Supreme Court by filing Special Leave Petition, which was dismissed on 6.1.2000. It was thereafter that the writ petitioner made a representation to the Management of respondent No.1, in terms of the above reproduced observation of the Division Bench of this Court. The date of making of that representation is 16.2.2000 and copy of the representation is Annexure P-5.

4. From the record, it appears that no decision on the aforesaid representation has been taken by the Management or atleast it has not been conveyed to the writ petitioner. If that is so, the present writ petition, on the face of it, is pre-mature. The same is, therefore, dismissed being pre-mature, however, with a direction to the Management of the respondents-Bank to take final decision on the aforesaid representation, Annexure P-5, within one month from today, and if some decision has already been taken that should be conveyed to the writ petitioner, within one month, and if the writ petitioner feels aggrieved by the decision that the bank may take or might have taken on the aforesaid representation, he may seek legal remedy against the said decision.

5. Writ petition stands disposed of.

November 10, 2006 (sd) **(Surjit Singh), J.**